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# In the Supreme Court
## of the United States.

OCTOBER TERM, 1963

No. 966

BILL HERRON,

*Petitioner,*

v.

PORTLAND COLLECTION BUREAU, an Oregon corporation; UNITED ADJUSTERS, INC., an Oregon corporation; NEWHOUSE & HUTCHINS—TOWING SERVICE, an Oregon corporation; and JOHN BAIN, Constable of MULTNOMAH County, Oregon,

*Respondents.*

## PETITION FOR WRIT OF CERTIORARI

Appearing herein propria persona:
BILL HERRON,
c/o Western Christian Missions
10443 N.E. Klickitat
Portland, Oregon 97220
*Petitioner.*

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Franklin Bldg., Portland, Oregon.
*Counsel for Portland Collection Bureau and Newhouse-Hutchins, Inc.*

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1035 S.W. 5th Ave., Portland, Ore.
*Counsel for United Adjusters Inc.*

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District Attorney of Multnomah County,
County Court House, Portland, Ore.
*Counsel for John Bain, Constable, Respondents.*

STEVENS-NESS LAW PUB. CO., PORTLAND, ONE

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## PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE CHIEF JUSTICE
AND ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE UNITED STATES

The petitioner Bill Herron, prays that a writ of certiorari be issued to review the decisions of the Supreme Court of the State of Oregon; Circuit Courts of Multnomah County, Oregon; and the District Court of Multnomah County, Oregon, all four of the regularly empaneled Judges thereof sitting in banc.

## OPINIONS BELOW

The opinions of the District Court of Multnomah County Oregon by all four of the regularly empaneled Judges sitting in banc, in unisance, denying petitioner's Motion To Vacate Summons and Service by reason of fraudulent Due Process and denying petitioner's rights to a Jury Trial on the facts and issues thereof (Ex. A).[1]

The opinion of the Circuit Court, Multnomah County, Oregon, denying petitioner's Writ of Review, and his Constitutional rights to a Jury Trial before another Circuit Court on a change of venue[2] (Ex. B). This opinion in consolidated Circuit Court cases No. 286-113 *United Adjusters Inc.* v. *Herron* concern matters relative to petitioner's contentions that Due Process was never made upon him, no service of any nature; and that all his property seized was entirely exempt by Oregon Statutes.[3] (Ap. A). These two Circuit Court cases are identified as being an appeal from the two initial suits instituted by the respondents in the District Court No. 443-003 and No. 444-024 respectively, and concern only matters relative to seizure of totally exempt property and without Due Process.

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[1] (Ex. A) refers to exhibit A, a transcribed record of the Hearing Proceedings by official court reporter Dorothy Samsel.

[2] (Ex. B) refers to exhibit B, a transcribed record of the hearing proceedings by official court reporter Madelyn B. Adams.

[3] (Ap. A) refers to citations of Oregon Statutes, (selectable), and other forms of Exemptions, in Appendix.

Circuit Court case No. 269-949, the basis for this appeal before the Supreme Court of the United States, is a damage action for the total loss of all petitioner's exempt property illegally seized and without any service of constituted legal form whatsoever and sold by respondents; leaving petitioner absolutely nothing; no car, truck, tools, clothing, food or his valuable papers, documents, law and Evangelistic books, titles, reference library, all personal pocket keys. And furthermore to the extreme extent, of turning over to his adversaries in some law actions priceless papers, receipts, documents of very conclusive evidence; the loss of which resulted in petitioner not only losing his cases but judgment was entered against him, as the records of said cases show.

The opinions of the Supreme Court of the State of Oregon, denying petitioner's Motions for an order to remand all causes of action back to the Presiding Judge of the Circuit Court of Multnomah County, Oregon; that a change of venue be granted for a Jury Trial concerning all facts and issues in said causes of action, to petitioner's resident county, Corvallis, Benton County, Oregon.[4] (Ex. C-D-E)

## JURISDICTION

The order of the Supreme Court of the State of Oregon denying petitioner the right to his day in Court before a Jury was entered on May 21, 1963. A Notice

[4] (Ex. C-D-E) refers to exhibits C-D-E, Certified copies from Oregon Supreme Court, Re: Orders, Motions, Appeals, Strike Orders, via letter.

of Appeal to the Supreme Court of the United States was timely made: filed June 19, 1963.

Thereafter several applications for extension of time within which to file a Brief; petition for writ of certiorari, were all timely made, filed and granted; the last extension running to and including April 1st, 1964. Such being granted by reason of petitioner's confinements in the hospital and numerous periods of convalescence thereafter.

The jurisdiction of this Court is invoked under 28 U.S.C.—State Courts: appeal: certiorari:—1257-(3) 62 Stat. 929.

## QUESTIONS PRESENTED

(1)—Is for this Court which has sole Constitutional Jurisdictional Authority in these matters, to declare and restore to the citizens of the State of Oregon their constitutional precepts which protects them from illegal property seizures, and secures their personal liberties:—By declaring the Oregon State Legislatures "imbroglio" O. R. S. 23.160 unconstitutional?

(2)—Is to reaffirm to the citizens of Oregon the Bill Of Rights of the Constitution, specifically:—the Fourth, Fifth and Seventh Amendments:—by this Court which has sole constituted jurisdictional mandatory authority, to establish a directly needed precedent concerning matters in "civil actions" where most unusual extraordinary facts and circumstances are so prevalent that it is fitting and proper as to warrant a mandate be

issued out of this Court that petitioner be allowed his constitutional rights to a change of venue:—by mandating this "civil action" be remanded to the Circuit Court of Benton County at Corvallis, Oregon; petitioner's well established voting precinct and residence; where he can have a fair unbiased impartial Jury Trial before his peersmen:—Entirely out of and away from the atmospherical environment and influence of pandemonium; where governmental and judicial corruption is rampant; still existent now more fully intrenched notwithstanding the fact the world renown infamous Portland, Multnomah County vice and judicial corruption investigation conducted by the United States Senate Committee of only few years past?

## STATUTES INVOLVED

The Statutes and Amendments to the Federal and Oregon State Constitutions directly involved, are:—

The Fourth, Fifth, and Seventh Amendments to the Federal Constitution, Bill Of Rights have been breached, relative to:—describing things seized; seizure without due process; right of trial by jury.

Article I of the Bill Of Rights of the Constitution Of Oregon have been breached relative to the following Sections:—

Sec. 9—Searches, Seizures and Warrants; No law shall violate the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure; * * *

Sec. 10—Justice To Be Open and Without Price: No court shall be secret, * * * and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.

Sec. 17—Trial by Jury in Civil Cases: In all civil cases, the right of trial by jury shall remain inviolate.

Sec. 21—Laws of Certain Nature Not To Be Passed: No ex post facto law, or law impairing the obligations of contracts, shall be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this constitution: * * *

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O.R.S. 23.160 Relative to Exemptions, and so called. "Selectable Exemptions": — Petitioner contends this Oregon State Statutes is unconstitutional; tantamount to having to claim, and to file, proceedings for the repossession of property already proclaimed by the very same Statute to be exempt. Under Appendix A, petitioner has set forth verbatim all Oregon Statutes relative to such property exemptions.

## STATEMENT OF FACTS

In petitioner's Brief Appendix A he sets forth verbatim under the title of "Exemptions" the Oregon Revised Statutes:—ORS 23.160. A thorough investigation by petitioner reveals this "imbroglio" had as its fosterers, sponsors and lobbyists, collection agency operators who connivenly drafted this statute to permit the seizure of

totally exempt property, haul or tow it into storage, then proceed to use it as a whip, a lever, an incubus, a tacit means to coerce their victims into coming to their racketeering offices and "signing up", agreeing to pay the bill or judgment standing against them, or sign a "readyform" which is tantamount to a confession of judgment. This unconstitutional procedure has brought forth such a veritable heyday treasure chest to these racketeers, they no longer take the time or means in many cases to issue Due Process procedure; for they have a standing "arrangement" with the Multnomah County Constables' Office whereby the supposedly exempt property will just merely be hauled away to another "arranged" headquarters by said constable who will leave "his calling card". No legal papers of any nature whatsoever being served.

Petitioner refers to Exhibit F, an Affidavit of Edwin I. Watson which sustains such type of seizure and of recent date; and supports petitioner's contentions.

Exhibit G, an Affidavit of A. C. Allen, a very reputable Attorney of over fifty years law practice and a former attorney for petitioner.

Exhibit H, is a Certification of J. Frederick Johnson, a bonded Certified Public Accountant, who for many years past has computed all income tax matters for petitioner. His Certification clearly reveals that the truck of the petitioner which was seized by the respondents was exempt property by reason of its worth being less than $400.00; thus well under limitations as set forth in O.R.S. 23.160 (c).

Exhibit F. is an exact and true issue of petitioner's twenty-five Briefs which he in the physical presence of witnesses presented to the lady assistant clerk in F. M. Sercomb's office; the clerk of the Supreme Court of Oregon. She examined the Brief which serves as the original, the one bearing Proof of Service on the back thereof, which showed that service on Portland Collection Bureau was accepted by their clerk, Anna Johnson, which bore her personal signature: below her signature showed the personal signature of Dorothy M. Martindale accepting service for Bloom & Martindale, attorneys for United Adjusters Inc.

Upon completion of assistant clerk's examination she stated it would be necessary to have Mr. Sercombe examine said original before accepting them for filing. After an elapsed period of about quarter hour, she returned stating verbatim:—"Yes Mr. Sercombe said the Briefs will be filed"; likewise said witnesses were present at this instance. However, only a few days elapsed when petitioner received a letter from Clerk Sercombe dated March 29th, 1963, equivocating that the Briefs do not, *at all*, comply with the requirements of the Court's rules; numerating six rules which he set forth by number (letter within Exhibit E group).

About two months thereafter petitioner wrote Clerk Sercombe requesting a certified copy of said rejection. In reply said clerk's letter of June 6, 1962 equivocates further and states facts inconsistent and incongruous with his former letter (also Exhibit E).

Pertinent to this case to sustain petitioner's con-

tentions of prejudice, bias and judicial misconduct, petitioner's business and Evangelistic associate, G. Llewellyn, in compiling a vast collection of Certified Court Documents and Pleadings concerning many cases in Multnomah, Washington and Marion Counties, had occasion to need the twenty-five Briefs for a coming Congressional Investigation Committee. On March 16, 1964 he wrote Clerk Sercombe requesting the Briefs be returned to petitioner immediately. On March 19, 1964 an erroneous phone call was left on the automatic answering and recording phone at petitioner's office. The verbatim message was, to-wit:—"Your Briefs are on their way it's to your interest to examine one of them thoroughly and where they were mailed".—end of quote on phone recorder.

On Friday, March 20, 1964 the package of Briefs arrived at the curb mail box of the Western Christian Missions. Petitioner and his associates found it only necessary to make a quick survey to observe its tattered condition; still slit on one edge nearly the length of package even after it had be retaped with a brand of tape not used by the United States Postal Service; no postal cancellation stamp denoting point of mailing was on the brown wrapping paper, only in two places was a rubber stamp printing stating, "Rewrapped at Portland, Oreg." Only the regular form white sticker address label bore identification: From—Clerk Supreme Court, Salem, Oregon.

Upon opening package with gloved hands it only took an instance glance to notice that one Brief was shop-worn; hand soiled and with corners and edges

worn bent and frail. Through Identification Experts it has been thorough established the much handled Brief was possessed by the respondents and was inserted in among the other twenty-four Briefs to suffice as a substitute for the one which served as the original which had respondents' signature thereon, thus showing proof of service upon all said respondents. However, its eradication avails the instigators naught, as petitioner had said original showing respondent's signature photostated within thirty minutes after Dorothy Martindale had p[illegible]d her signature thereon; before petitioner and one of the witnesses proceeded on to Salem, Oregon, to file same. Such utter supidity on the particular part the Oregon Supreme Court enacted is positively shocking. Petitioner has had many such and similar experiences with other Multnomah County Officials, including many Judges. All such evidences to have to incorporate in a Court Pleading is a frightful thing to occur and have to do; however, these things are a mere nothingness, to what is going to take place when the United States Congress takes a hand for a second time in Multnomah County and Oregon State governmental and judicial corruption, for the petitioner is thoroughly acquainted with all sufficient facts that the court records themselves, which all the Official debauchees brought about, created themselves, will bring about all sufficient evidence required for conviction.

Petitioner closes with the propounded question — how else can he do now when in all the lower Courts he tried in vain for a change of venue. He was ever constantly harrassed and fraught with acts of persecu-

tion, hauled to jail numerous times on trumpted up charges; some as ridiculous as a "jaywalking" charge when the green pedestrian light would happen to turn red while he was halfway across the street. Notwithstanding such acts he never failed to respond with courtesy for the way True American Jurisprudence should be; but was not. Petitioner respectfully cited to all the lower Courts he can secure and has the promise of competent legal counsel to represent him in his resident county at Corvallis, Benton County, Oregon, upon the grant of a change of venue. Absolutely no attorney in Multnomah County will take any of his cases ever since the shocking disgraceful incidents of vicious violation of States Rights developed in Cases No. 7975 and 60-292 in the United States District Court For The District of Oregon; and which in no sense of a word is settled yet; now has developed into the category of wilful Fraud and Deceit by and from the very acts of the full impaneled Court.

## REASONS FOR GRANTING THE WRIT

Petitioner respectfully and in a reposeful attitude, cites the following gists of facts which the files and the transcribed records of Hearing Proceedings do show, to-wit:—

Repeated attempts have been made to secure the forwarding of all the records out of both the District Court and the Circuit Court with no results * * * The Oregon Supreme Court refused to forward the records to the Supreme Court of the United States, instead

Clerk Sercombe forwarded them to this petitioner, they being Exhibits C, D and E which show that said Supreme Court also refused to remand petitioner's cases back to Multnomah County with an order for change of venue to Benton County his resident county; Multnomah County being the place of the bulk of his business and Evangelistic activities. Thereafter petitioner made all his timely applications for further extension of time within which to file his Brief, to this Court.

All of the requests made by petitioner for a Transcript of the Hearing Proceedings in Judge Lantry's Court were completely ignored; had it been secured it would reveal said Judge asked this petitioner, if he had appealed cases 286-113 and 286-115; petitioner responded courteously he had; whereup said Judge in a tort exclamation stated, "Well I'll give you another one you can appeal."

In the District Court Hearing Proceedings, en banc, Exhibit A, Judge Gantenbein boldly stated he would not entertain *any* charges of this petitioner against the Constable Grant, who petitioner alleges falsified the summons; no such service was ever made; contained in Exhibit F in an envelope attached to the Affidavit manuscript cover of Edwin Watson are two personal cards of Deputy Constable Grant and Deputy Komp. In relation thereto Grant was the Deputy which confiscated this petitioner's car and truck and all his personal tools and effects leaving or serving absolutely no service of Summons or papers of any nature, on the card, with inscription "cars is in custody of Mult. Cty. Constable. The card of Deputy Komp relates to Edwin Watson's truck confiscation.

## CONCLUSION

Unlike the necessity in statement of facts, petitioner sees no need for a lengthy conclusion concerning the foregoing reasons that his petition for a writ of certiorari should be granted as it would be wholly superfluous.

Petitioner's understanding of the Federal Constitution's grant to submit such grievances as his comes well within the powers and jurisdiction of this Court to pass on the constitutionality of O.R.S. 23.160, and the grant of Writs as to the rampant judicial debauchery prevalent in Multnomah County and State of Oregon as past history has been shown by Congressional Committees, he feels well assured the coming voting populace of Oregon and further Congressional Committees will very soon take care of such present situations.

Petitioner has tried for over five years to secure his day in Court through constitutional processes and procedures that he might obtain a jury trial before his peersmen. The colossal magnitude of legislative, legal, judicial and governmental collaboration given collection agencies in the State of Oregon is incomprehensible, shocking beyond capabilities of belief until one surveys the files and records of their case history.

Petitioner prays that a writ of certiorari with remand for a change of venue to his resident county, Corvallis, Benton County, Oregon, be granted.

Respectfully submitted,

BILL HERRON,
Propria persona

## CERTIFICATE OF SERVICE

STATE OF OREGON )
) ss. AFFIDAVIT
COUNTY OF MULTNOMAH )

I, BILL HERRON, being first duly sworn, depose and say, that I am the petitioner herein acting as my own attorney appearing propria persona, do hereby Certify: that in compliance with Rule 33 of Revised Rules of the Supreme Court Of The United States, I have forwarded via Certified Mail with return receipt requested, a true and correct printed copy of this Petition For Writ of Certiorari upon all counsels for the respondents: by placing said copy in a sealed envelope properly addressed to said counsels at their regular and last given office address given by them on documents they filed in this entitled cause and served on me; said envelope was then deposited in the United States Post Office at S. W. Broadway and Hoyt Street, Portland, Oregon with full amount of postage thereon paid.

That inasmuch I am not represented by counsel, a member of the Bar of the Supreme Court Of The United States, I therefore will furnish proof of such service having been made by forwarding to the Clerk of the Supreme Court Of The United States the Certified Mail Receipt Cards immediately upon receipt of same from the recipients.

Dated this 30th day of March, 1964 at Portland, Multnomah County, Oregon.

BILL HERRON,
Petitioner, propria persona

Bill Herron, c/o Western
Christian Missions,
10443 N. E. Klickitat,
Portland, Oregon 97220,
AL 4-2867.

Subscribed and sworn to before me this 30th day of March at Portland, Multnomah County, Oregon.

VIOLETTE M. COURTRIGHT,

Violette M. Courtright,
Notary Public for Oregon.
My Commission Expires
March 5, 1966.

## APPENDIX A

### EXEMPTIONS

23.160 LEVIABLE PROPERTY GENERALLY: SELECTABLE EXEMPTIONS. (1) All property, including franchises, or rights or interest therein, of the judgment debtor, shall be liable to an execution, except as provided in this section and in other statutes granting exemptions from execution. If selected and reserved by the judgment debtor or his agent at the time of the levy, or as soon thereafter before sale thereof, as the same shall be known to him the following property, except as provided in ORS 23.220, shall be exempt from execution:

(a) Books, pictures and musical instruments owned by any person to the value of $75.

(b) Necessary wearing apparel, owned by any person, to the value of $100, and, if such person is a householder, for each member of his family to the value of $50.

(c) The tools, implements, apparatus, team, vehicle, harness or library, necessary to enable any person to carry on the trade, occupation or profession by which he habitually earns his living, to the value of $400. Also sufficient quantity of food to support such team, if any, for 60 days. The word "team" in this paragraph does not include more than one yoke of oxen, or a span of horses or mules. The word "vehicle" includes an automobile, truck, trailer, truck and trailer, or other motor vehicle.

(d) Poultry and other domestic fowls, kept for family use, or kept for the purpose of raising them for the livelihood of any person, to the value of $50.

(e) If owned by a householder, and in actual use, or kept for use by and for his family or when being removed from one habitation to another on a change of residence: Ten sheep, with one year's

fleece or the yarn or cloth manufactured therefrom; two cows and five swine; food sufficient to support such animals, if any, for three months; household goods, furniture and utensils to the value of $300; provisions actually provided for family use and necessary for the support of such householder and family for six months; also three cords of firewood or one ton of coal.

(f) The seat or pew occupied by a householder or his family in a place of public worship.

(g) All property of the state or any county, incorporated city, town or village therein, or of any other public or municipal corporation of like character.

(2) The judgment debtor's claim of exemption shall, upon application of either plaintiff or judgment debtor, be adjudicated in a summary manner in the court out of which the execution issued, by affidavit, by oral testimony in open court, or otherwise as the court may determine.

23.170 PENSIONS EXEMPTED WITHOUT NECESSITY FOR CLAIM. All pensions granted to any person in recognition by reason of a period of employment by or service for the government of the United States, or any state, or political subdivision of any state, or any municipality, person, partnership, association or corporation, shall be exempt from execution and all other process, mesne or final. Such exemption shall be effective without necessity of claim thereof by the pensioner.

23.200 EXEMPTION OF FIREARMS. Every white male citizen of this state above the age of 16 years shall be entitled to have, hold and keep, for his own use and defense, the following firearms: Either a rifle, shotgun (double or single barrel), yager, or musket, and one revolving pistol. The same shall be exempt from execution in all cases.

23.210 FIREARMS NOT TO BE DEMAND-

ED EXCEPT WHERE SERVICES OF OWNER ARE REQUIRED. No officer, civil or military, or other person, shall take from or demand, of the owner any firearms mentioned in ORS 23.200, except where the services of the owner are also required to keep the peace or defend the state.

23.220 PROPERTY NOT EXEMPT FROM EXECUTION FOR PURCHASE PRICE. NO EXEMPTION AGAINST CLAIM FOR ADVANCEMENT OF LABOR FOR BUSINESS PURPOSES. (1) No article of property, or if the same has been sold or exchanged, then neither the proceeds of such sale nor the articles received in exchange therefor, shall be exempt from execution issued on a judgment recovered for its price.

(2) In all cases where advances of goods, wares, merchandise or money are made to, or labor performed for, any person, to enable or assist him to carry on any undertaking, trade, business, avocation, occupation or pursuit in which he is engaged, or which shall be used or employed for such purpose, no article of personal property, tool, implement or apparatus used or employed by such person in such undertaking, trade, business, avocation, occupation or pursuit, or money due such person growing out of, or incident thereto, shall be exempt from execution on a judgment recovered for such advances or for such labor performed.